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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,906	01/05/1998	THEODORE D. WUGOFSKI	450.196US1	8339

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EXAMINER
TRAN, HAI V

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 03/12/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*19 December 2003*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) *13-18 and 30-33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 19-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

In view of the Appeal Brief filed on 12/19/2003, PROSECUTION IS HEREBY

REOPENED. The previous Final Office Action dated 08/13/03 has been vacated and a

new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,

1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 22, line 1 recites the limitation "the logical channels" . There is insufficient

antecedent basis for this limitation in the claim. It is unclear what the metes and bounds

are of such a term "logical channels".

The following art rejection is applied to applicant claims as best understood in view of

the 112 2nd paragraph rejection above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 19, 23-25 and 28-29 are rejected under 35 U.S.C. 102(e) as being

anticipated by Schein (US 6323911) .

Regarding claim 19, Schein 's 911 discloses a computer system to

dynamically manage favorite channels (Fig. 3) based on user specified theme (Col.

12, lines 26-65) the computerized system comprising:

As to "identifying one or more channels showing an event of a user specified

theme" and "automatically adding each of the channel to a favorite channel list

wherein such adding does not require user intervention", the Examiner cites Fig. 9A-

9F; specifically "...the system will then **automatically** search the guide to determine

which programs include the specified performers. In addition, **the system may be**

configured to continuously perform this search as new programs appear in

the guide each day." In doing so, the system automatically adds programs that

correspond to user criteria/theme from the master/general guide into the favorite

channel list; Col. 12, lines 55-62;

As to "wherein the step of identifying is achieved by matching one or more

event themes from an EPG content database to the user specified theme," the

Examiner cites (Col. 12, lines 12-20) and regarding "including each one of the

channels in the favorites list" the Examiner cites (Col. 12, lines 55-57);

As to "user specified theme corresponds to a theme field of events in an EPG

content database" the Examiner cites Col. 12, lines 15-20 and lines 57-62.

Regarding claims 23 and 29, Schein 's 911 further discloses the step of

identifying is achieved by matching one or more words in an event description from

the EPG content Database to the user specific theme (Col.12, lines 5-65).

Regarding claim 24, Schein 's 911 further discloses a computer

(motherboard, processor, RAM, etc...Fig. 3) comprising:

A processor 68 (Col.7, lines 18-28);

A computer readable medium 66 (Fig.3, Col. 7, lines 18-25);

A plurality of computer instructions (Col.7, lines 30-37) executed from the

computer readable medium by the processor for performing the step of identifying

one or more channels showing an event of a user specified theme (Col. 12, lines 12-

20) and automatically adding each one of the channels to a favorite channel list

without user intervention (Fig. 9A-9F; specifically "...the system will then

automatically search the guide to determine which programs include the specified

performers. In addition, ***the system may be configured to continuously perform***

this search as new programs appear in the guide each day." In doing so, the

system automatically adds programs that correspond to user criteria/theme from the

master/general guide into the favorite channel list; Col. 12, lines 55-62).

Note Schein 's 911 software clearly meets "the plurality of computer

instructions" because "software" comprises a plurality of computer instructions.

Regarding claim 25, see analysis of claims 19 and 24.

Regarding claim 28, Schein's 911 discloses "the step of identifying depend on

an update frequency of the EPG content database and a number of time slots

includes in the favorite channels list" is met by Schein's 911 (Col. 12, lines 60-61)

because the EPG content is notoriously well known to be updated either

"periodically", "cyclical" or "caroussel" mode by the headend in which the favorite

channel list depends on the newly updated EPG data. For example,a complete new

schedule is sent to subscribers on a daily, weekly, or some other periodic basis, with

no data sent in between complete schedule updates. In this case, the housekeeping

routine need only be run in advance of the next schedule. On the other hand,

"cyclical" mode of operation, when all of the data in a schedule has been sent,

transmission of schedule data updates immediately begins. Each subsequent

transmission includes updates to schedule information already stored in the <u>EPG</u> as

well as new data for the end of the covered time period. Any schedule data that has

expired since the last transmission is not sent. Because new records are constantly

received by the EPG, the housekeeping routine must be invoked more frequently

than periodically in which complete new program schedules are sent on a daily or

other periodic basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schein (US 6323911) in view of Kostreski et al (US 5734589).

Regarding claim 1, Schein 's 911 discloses a computer system for managing

favorite channels (Fig. 3) based on user specified theme (Col. 12, lines 26-65) the

computerized system comprising:

One or more favorite channel lists (Favorite list Fig. 6D), the favorite channel

lists comprising one or more channels relating to the user specified theme/criteria

(performers, categories, series as a whole, etc.), wherein the computerized system

identifies the channels/programs showing an event of the user specified theme

(criteria) and automatically adds each of channels/programs to the favorite channel

list without user intervention (Fig. 9A-9F; specifically "...the system will then

automatically search the guide to determine which programs include the specified

performers. In addition, *the system may be configured to continuously perform*

this search as new programs appear in the guide each day." In doing so, the

system automatically adds programs that correspond to user criteria/theme from the

master/general guide into the favorite channel list; Col. 12, lines 55-62);

A favorites database for storing one or more favorite channel lists is met by

"a memory stores the television programs that have been selected by the viewer.

The programs can be selected for a variety of reasons, such as a designated the

program as a favorite"; Col. 11, lines 54-59; Thus programs selected that

correspond to user criteria/theme stores in the memory is a favorite database.

Schein 's 911 does not clearly disclose <u>one or more logical channels</u> of the

favorite channel list; however, Schein 's 911 discloses the favorite channel list

related to user specified theme as discussed above.

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-

Col.29, lines 34). The secondary program maps 520a and 520b <u>both provide the</u>

<u>same RF and PID values</u> for CBS, ABC, NBC and FOX; therefore, Kostreski

discloses an arrangement that enables VIPs to share sources within the reserved

section 522 (Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore,

Kostreski teaches each logical channel "SEL." uniquely identifies a corresponding

physical channel "VIP StarSight "for popular network such as CBS, ABC, NBC and

FOX regardless the user select "VIP StarSight" or "VIP BVS".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein 's 911 by mapping favorite channel listed to corresponding logical (virtual) channels, as taught by Kostreski, in order to present to user an list of programs (EPG) in an organized, structured format adapted for ease of use by the user as suggested by Kostreski (Col.3, lines 15-57).

Regarding claim 2, Schein 's 911 further discloses an EPG (Fig.4A) content database storing a plurality of events available on one or more channels for a period of time (Col.12, lines 12-18). Note "period of time" is read on period of time in which the current EPG will be updated by the headend from Schein's 911 (Col. 12, lines 60-61). The EPG content is notoriously well known to be updated either "periodically", "cyclical" or "caroussel" mode by the headend in which the favorite channel list depends on the newly updated EPG data. For example, a complete new schedule is sent to subscribers on a daily, weekly, or some other periodic basis, with no data sent in between complete schedule updates. In this case, the housekeeping routine need only be run in advance of the next schedule. On the other hand, "cyclical" mode of operation, when all of the data in a schedule has been sent, transmission of schedule data updates immediately begins. Each subsequent transmission includes updates to schedule information already stored in the EPG as well as new data for the end of the covered time period. Any schedule data that has expired since the last transmission is not sent. Because new records are constantly received by the EPG, the housekeeping routine must be invoked more frequently

than periodically in which complete new program schedules are sent on a daily or other periodic basis.

Regarding claim 3, Schein 's 911 further discloses wherein the user specified theme corresponds to a theme field of events in an EPG content database (Col. 12, lines 15-20 and lines 57-62).

Regarding claim 4, Schein 's 911 further discloses an EPG data services for managing the EPG content Database, the EPG data services providing functions for loading EPG –type (mode Favorite only; Fig. 6D; Col. 11, lines 5-11) data from one or more data services (different program sources; see fig. 4A-B; 6A-B; 7A) (Col.9, lines 19-65+).

Regarding claim 5, Schein 's 911 further discloses a favorites service providing one or more user interfaces and a plurality of management functions for each one of the favorite channel lists (Fig. 9B-F; and Col. 12, lines 37-65).

Regarding claim 6, Schein 's 911 further discloses wherein the management functions include at least one function selected from the group of functions consisting of: adding a favorite event to one of the favorite channel lists ("a confirmation panel(not shown) may appear that allows the viewer to o.k. the action"), and selecting a favorite event from one of the favorite channel lists (Fig.9C; Col.12,

lines 36-50); removing a favorite event from one of the favorite channel lists (Fig. 9D;

Col. 12, lines 50-53).

Regarding claim 7, Kostreski further discloses a channel map service for

determining a physical channel number and a corresponding physical device for

each one of the logical channels (Fig.5).

Regarding claim 8, see analysis of claim 1, in combination with claims 5-7.

Regarding claim 9, see analysis of claim 7.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, see analysis of claim 1.

Regarding claim 12, see analysis of claim 2.

Regarding claim 22, Schein's 911 discloses "the step of identifying depend on

an update frequency of the EPG content database and a number of time slots

includes in the favorite channels list" is met by Schein's 911 (Col. 12, lines 60-61)

because the EPG content is notoriously well known to be updated either

"periodically", "cyclical" or "caroussel" mode by the headend in which the favorite

channel list depends on the newly updated EPG data. For example, a complete new

schedule is sent to subscribers on a daily, weekly, or some other periodic basis, with

no data sent in between complete schedule updates. In this case, the housekeeping

routine need only be run in advance of the next schedule. On the other hand,

"cyclical" mode of operation, when all of the data in a schedule has been sent,

transmission of schedule data updates immediately begins. Each subsequent

transmission includes updates to schedule information already stored in the EPG as

well as new data for the end of the covered time period. Any schedule data that has

expired since the last transmission is not sent. Because new records are constantly

received by the EPG, the housekeeping routine must be invoked more frequently

than periodically in which complete new program schedules are sent on a daily or

other periodic basis.

Schein '911 **does not** clearly disclose the logical channels of the favorite

channel list; however, Schein 's 911 discloses the favorite channel list related to user

specified theme as discussed above.

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-

Col.29, lines 34). The secondary program maps 520a and 520b both provide the

same RF and PID values for CBS, ABC, NBC and FOX; therefore, Kostreski

discloses an arrangement that enables VIPs to share sources within the reserved

section 522 (Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore,

Kostreski teaches each logical channel "SEL." uniquely identifies a corresponding

physical channel "VIP StarSight "for popular network such as CBS, ABC, NBC and

FOX regardless the user select "VIP StarSight" or "VIP BVS".

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schein's 911 by mapping favorite channel

listed to corresponding logical (virtual) channels, as taught by Kostreski, in order to

present to user an list of programs (EPG) in an organized, structured format adapted

for ease of use by the user as suggested by Kostreski (Col.3, lines 15-57).

As to "wherein the logical channels identified during the step of identifying

depend on an update frequency of the EPG content database and a number of time

slots includes in the favorite channels list" met by Schein's 911 in view of Kostreski

because with the teaching of Kostreski regarding mapping channel listed to

corresponding logical (virtual) channels, it is obvious that Schein's 911 EPG content

is inherently updated periodically by the headend in which the favorite channel list

depends on the newly updated EPG data. In doing so, the logical channel of the

updated favorite channel list has to be re-mapped to corresponding updated logical

(virtual) channels.

3. Claims 20-21 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schein (US 6323911) in view of Schein (US 6002394).

Regarding claims 20 and 21, Schein 's 911 does not clearly discloses the

EPG content database include 'event sub-theme' or 'generic event sub-theme' as

claimed; however, Schein 's 911 discloses the step of identifying is achieved by

matching theme from an EPG content database to the user specified theme.

Schein 's 394 shows the structure of an EPG database with theme ID (see

Fig.4) that corresponds to 'Theme ID of a Theme Category Table' (Fig. 8).

Moreover the Theme Category Table (Fig. 8) has a relational field 'Theme Sub-

category handle Table' which has a relationship with the 'Theme ID #' field of the

Theme Subcategory table (Fig.9; Col. 10, lines 60-Col. 11, lines 11) according to the

well-known Relational Database's theory. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein 's 911 with Schein 's 394 to have an EPG content database include 'event sub-theme' or 'generic event sub-theme', as taugh by Schein 's 394, so to provide to user an accurate way to query a program with a specific theme/sub-theme entry (Schein 's 394; Col. 11, lines 15-45).

Regarding claims 26 and 27, see analysis of claims 20-21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knee et al. (US 6014184) shows an electronic television program guide system and method with data fee access.

Houser et al. (US 5774859) shows an Information system having a speech interface.

Wugofski et al. (WO 99/35843) shows Internet source into TV program

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht
March 7, 2004.

VIVEK SRIVASTAVA
PRIMARY EXAMINER